HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 955 of 2006

Nagendra Singh s/o late Ratan Singh
R/o village Aamwala, Upper Post Officer Nalapani,
Tapowan, Dehradun ..... Applicant

Versus

1. State of Uttaranchal
2. Ravi Saini s/o Sri Jagdish Saini r/o Haridwar Road Dehradun
3. Mahendra Singh Negi S.H.O. Kotwali, District Dehradun .....Opp. Party

Dated: 28.11.06

Hon'ble Rajesh Tandon, J.

Heard Sri Vinod Sharma counsel for the applicant and learned A.G.A. for the respondents.

By the present application under section 482 Cr.P.C. the applicant has challenged the criminal proceedings against the applicants in Case No. 491 of 2005 under sections 147, 148, 307, 323, 325, 504 I.P.C. pending in the Court of Chief Judicial Magistrate, Dehradun.

According to the applicant F.I.R. was lodged against him on 15.12.2005 for the alleged offences under sections 147, 148m 307, 323, 325 and 504 I.P.C. He has submitted that he has also sent a complaint to the S.S.P. Dehradun on 17.12.2005 but no action has been taken on his complaint inspite of the fact that the petitioner has also sustained eight stitched wound injuries on the left side of his head. The applicant has submitted that final report has been submitted on his report.

Liberty is given to the petitioner to avail the appropriate remedy in the court of law against the said finial report. However, no order can be passed for another case crime No. 491A of 2005 in the proceedings under section 482 Cr.P.C. by which case crime No. 491A has been sought to be quashed.

So far as the instant petition under section 482 Cr.P.C. is concerned no interference can be made under section 482 Cr.P.C. in view of the observations made by the Apex Court in the case Medchl Chemicals and Pharma (P) Ltd. vs. Biological E. Ltd. and others (2003) 3 SCC 269.

However, liberty is given to the applicant to avail proper remedy in accordance with law.

So far as the case crime No. 491 of 2005 is concerned without expressing any opinion on the merits of the case, I direct the applicants to appear before the Magistrate concerned and the court shall consider his bail application as expeditiously as possible.

Subject to the observations made above, application under Section 482 Cr.P.C. is dismissed.

Dated: 28.11.2006 **Rajesh Tandon, J.**

*Dhyani